

CHARTER
OF THE
City of Frederick

FREDERICK COUNTY, MARYLAND

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FREDERICK

ARTICLE I Incorporation and General Government

Section 1. Body corporate; name; general powers.

The residents of The City of Frederick, in Frederick County, Maryland, are hereby constituted a body corporate by the name of “The City of Frederick,” and by that name shall have perpetual succession and have all powers and privileges incident to or that may attach to a municipal corporation.

Section 2. City Boundary.

The City of Frederick’s corporate limits (hereinafter the “City Boundary”) are described in a clockwise manner by a system of metes and bounds, courses and distances based upon the Maryland State Plane Coordinate System (Feet). This description is based upon monuments or reference stations established by the National Geodetic Survey of the National Oceanic and Atmospheric Administration, as supplemented by the City Surveyor. Modifications, additions, or deletions to the City Boundary must be made by field survey on the ground, by a person licensed in the State of Maryland to practice professional land surveying or property line surveying. The City Surveyor shall keep and maintain an accurate written description of the City Boundary based upon the results of the field surveys as well as maps, plats, descriptions or other information.

Section 3. Exercise of powers within and outside corporate limits, exemption from County laws.

(a) The City of Frederick (hereinafter the “City”) shall exercise its lawful powers within the Corporate Boundary.

(b) To the extent permitted by law, the City may:

(1) enact and enforce laws relating to its lands located in Frederick County outside the City Boundary; and

(2) provide municipal services outside the Corporate Boundary.

(c) To the extent permitted by law, the City hereby generally exempts itself from Frederick County laws.

Section 4. Form of government; elected officials.

The City shall be governed by a Mayor and five Aldermen to be elected as provided in this Charter.

Section 5. Prior rights and obligations not affected by Charter.

All rights, title, and interest held by the City or any other person at the time this Charter is adopted, in or to any lien acquired under any prior Charter of The City of Frederick, is hereby preserved for the holder in all respects as if this Charter had not been adopted. This Charter shall not discharge, impair, or release any contract, obligation, liability, or penalty existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective.

Section 6. Effect of Charter on existing ordinances, resolutions, etc.

All ordinances, resolutions, rules, and regulations in effect in the City at the time this Charter is adopted and that are not in conflict with the provisions of this Charter shall remain in effect until amended or repealed in accordance with the provisions of this Charter.

ARTICLE II

The Board of Aldermen

Section 1. Legislative powers; election generally; term.

The legislative powers of the City are vested in a Board of Aldermen consisting of five Aldermen elected as provided in this Charter, who shall hold office for a term of four years or until their successors are elected and qualified. The regular term of each Alderman expires on the second Thursday in December of each regular City election year, when the newly elected Board of Aldermen shall take office.

Section 2. Qualifications.

To be elected Alderman, an individual must have been a resident of the City for at least one year immediately preceding the general election. Each Alderman shall have and maintain a principal place of domicile, as defined by Maryland law, in the City for the Alderman's term. Each Alderman must be a registered voter of the City.

Section 3. Oath of office.

Before entering upon the duties of office, an Alderman shall take oath before the Clerk of the Circuit Court for Frederick County. The form of the oath is as follows: "I, _____, do swear that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of Alderman, according to the Constitution and Laws of this State." Each oath will be recorded in the office of the Clerk of the Circuit Court for Frederick County and in the office of the City's Legislative Clerk.

Section 4. General powers.

The Board of Aldermen may pass any ordinance not contrary to the Constitution and laws of Maryland or this Charter, as it may deem necessary for the good government of the City; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger, or destruction; and for the protection of the health, safety, and welfare of the residents of the City.

Section 5. Other employment.

An Alderman may not hold any other office or position of employment with the City.

Section 6. Salary.

- (a) The salary for each Alderman is \$25,000 per year.
- (b) The salary will be adjusted annually on July 1 in accordance with the lesser of:
 - (1) the Consumer Price Index for the Washington Metropolitan Region, as established in the March report; or
 - (2) the cost of living adjustment, if any, given to City employees for that fiscal year.

Section 7. Meetings.

Except as otherwise provided in this section, the Board of Aldermen shall meet in regular session on the first and third Thursdays of each month. Should a regularly scheduled meeting coincide with a legal holiday, or for other proper reason, the Board of Aldermen may reset the regular meeting to some other date or cancel the meeting. The Mayor, or a majority of the Board of Aldermen, may call special meetings. All regular and special meetings will be open to the public when required by the Open Meetings Act (Annotated Code of Maryland, State Government Article, §§ 10-501 through 10-512). The public normally will be given reasonable opportunity to be heard.

Section 8. Board to judge qualification of members.

The Board of Aldermen shall be the judge of the qualifications of its members as may be provided by ordinance. The individual being judged shall not be allowed to vote. A unanimous vote of the remaining members is required for removal.

Section 9. President and President Pro Tempore.

- (a) The Mayor is the President of the Board of Aldermen. The Mayor may vote on a matter only if the Board of Aldermen is equally divided; otherwise, the Mayor may not vote.

(b) The Board of Aldermen shall elect from its membership a President Pro Tempore to preside at its meetings in the absence of the Mayor. In the absence of the Mayor and the President Pro Tempore, the Alderman present who received the highest number of votes in the general election shall preside at the meetings. An Alderman presiding at a meeting of the Board of Aldermen retains the right to vote at that meeting.

(c) When directed by the Mayor or in the event of the Mayor's incapacity, the President Pro Tempore shall serve as acting Mayor. In the event of the incapacity of the Mayor and President Pro Tempore, the Alderman who received the highest number of votes in the general election (or if the President Pro Tempore received the highest number of votes, then the Alderman who received the second highest number of votes) shall serve as acting Mayor. While serving as acting Mayor, that individual retains a vote on the Board of Aldermen.

Section 10. Quorum and voting.

A quorum of the Board of Aldermen is three Aldermen. No action may be taken in the absence of a quorum. Except as otherwise provided by law, every ordinance, resolution, and official action must be approved by a majority of the Aldermen present and voting.

Section 11. Rules and order of business.

The Board of Aldermen may establish rules of procedure to govern the transaction of its business. The Board of Aldermen shall keep minutes of its proceedings, including any action taken. The minutes of any open meeting are available for public inspection in the office of the Legislative Clerk during regular business hours.

Section 12. Attendance of absent members; expulsion of members.

The Board of Aldermen may compel the attendance of absent members in a manner and under penalties provided by ordinance. The Board of Aldermen may expel a member from a meeting for disorderly conduct or violation of its rules, by a unanimous vote of the other members present.

Section 13. Authority over offices, departments and agencies.

The Board of Aldermen, by ordinance, may create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this Charter. The Board of Aldermen, by ordinance, may assign additional functions or duties to any office, department, or agency established by this Charter, but may not discontinue or reassign any function or duty assigned by this Charter.

Section 14. Authority to fix salaries.

The Board of Aldermen, by ordinance, shall fix the salaries of all City employees.

Section 15. Ordinances.

(a) Any Alderman may introduce proposed legislation for consideration by the Board of Aldermen. The Board of Aldermen may compel inclusion of proposed legislation on the City's agenda.

(b) An ordinance may be passed by the Board of Aldermen at the meeting at which it is introduced. Every ordinance passed by the Board of Aldermen will be delivered promptly by the Legislative Clerk to the Mayor. The Mayor shall either approve and sign an ordinance or veto it. The Mayor shall return an ordinance, indicating approval or veto, to the Legislative Clerk within two weeks after delivery. If the Mayor vetoes an ordinance, the Mayor shall attach a written statement of the reasons for the veto.

(c) The Legislative Clerk shall deliver promptly to the Board of Aldermen an ordinance vetoed by the Mayor (including the written statement of the reasons for the veto). An ordinance vetoed by the Mayor will not become a law unless it is passed by a favorable vote of four Aldermen within 30 days after the date it is returned to the Board of Aldermen by the Legislative Clerk.

(d) All ordinances must be in writing. They must be permanently preserved and may be codified. At least one copy of each ordinance and any codification of ordinances will be available for public inspection in the office of the Legislative Clerk during regular business hours.

Section 16. Resolutions.

Except as otherwise required by law, the Board of Aldermen may take action by approving a resolution. The Mayor may veto a resolution at the meeting at which it is approved by the Board of Aldermen. A resolution will become effective immediately unless vetoed by the Mayor at that meeting. The approval of resolutions will be recorded in the minutes of the Mayor and Board of Aldermen.

Section 17. Official actions.

An action approved by the Board of Aldermen and not otherwise addressed in this Charter is called an "official action". The Mayor may veto an official action at the meeting at which it is approved by the Board of Aldermen. An official action will become effective immediately unless vetoed by the Mayor at that meeting. The approval of official actions will be recorded in the minutes of the Mayor and Board of Aldermen.

ARTICLE III
The Mayor

Section 1. Election and term.

All executive powers of the City are vested in a Mayor, who will be elected as provided in this Charter and who shall hold office for a term of four years or until a successor is elected and

qualified. The regular term of the Mayor expires on the second Thursday in December of each regular City election year, when the newly elected Mayor shall take office.

Section 2. Qualifications.

To be elected Mayor, an individual must have been a resident of the City for at least one year immediately preceding the general election and shall have and maintain a principal place of domicile, as defined by Maryland law, in the City for the Mayor's term. The Mayor must be a registered voter of the City.

Section 3. Oath of office.

Before entering upon the duties of office, the Mayor shall take oath before the Clerk of the Circuit Court for Frederick County. The form of the oath is as follows: "I, _____, do swear that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of Mayor, according to the Constitution and Laws of this State." Each oath will be recorded in the office of the Clerk of the Circuit Court for Frederick County and in the office of the City's Legislative Clerk.

Section 4. Other employment.

The Mayor may not hold any other office or position of employment with the City.

Section 5. Salary.

- (a) The Mayor's salary is \$90,000 per year.
- (b) The salary will be adjusted annually on July 1, in accordance with the lesser of:
 - (1) the Consumer Price Index for the Washington Metropolitan Region, as established in the March report; or
 - (2) the cost of living adjustment, if any, given to City employees for that fiscal year.

Section 6. Powers and duties.

(a) The Mayor is the chief executive officer and the head of the administrative branch of the City government and shall see that the ordinances of the City are faithfully executed. The Mayor is responsible for the administration of the City's affairs to the Board of Aldermen and to the voters of the City.

(b) The Mayor shall prepare and make public annually a report addressing the financial conditions of the City, the accomplishments of the City administration and recommendations for future action by the City.

(c) This subsection applies to any official, department head, or other employee (collectively, “appointed employees”) who, under this Charter or any ordinance, must be appointed by the Mayor with the advice and consent of the Board of Aldermen.

(1) Except as otherwise provided in paragraph (2) of this subsection, appointed employees serve at the pleasure of the Mayor, but may be discharged only with the consent of a majority of the Board of Aldermen.

(2) In the event of the separation from employment, temporary absence, or temporary disability of an appointed employee, the Mayor may appoint an individual to serve in an acting capacity for a period not to exceed a total of 90 days. An appointed employee who is appointed pursuant to this paragraph shall serve at the pleasure of the Mayor.

(3) In the event of the separation from employment, temporary absence, or temporary disability of an appointed employee, the Mayor, with the advice and consent of the Board of Aldermen, may appoint an individual to serve in an acting capacity for a specified period of time or until a successor may be duly appointed. An appointed employee who is appointed pursuant to this paragraph serves at the pleasure of the Mayor, but may be discharged only with the consent of a majority of the Board of Aldermen.

(d) The Mayor shall serve as President of the Board of Aldermen.

(e) The Mayor may veto ordinances, resolutions, and official actions passed by the Board of Aldermen as provided in Article II of this Charter.

(f) The office of the Mayor shall keep the common seal of the City and shall apply the seal on any document when required.

(g) The Mayor shall oversee and be accountable for the financial administration of the City government. The Mayor shall prepare an annual budget and submit it to the Board of Aldermen in accordance with Article VII of this Charter. The Mayor shall supervise the administration of the budget as adopted by the Board of Aldermen and shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

(h) The Mayor shall supervise the system of centralized purchasing established by this Charter for all the offices, departments, and agencies of the City government.

(i) With the advice and consent of the Board of Aldermen, the Mayor may create and appoint whatever committees or advisory groups deemed necessary to advise in the administration of the City's affairs. The Mayor may appoint liaison representatives to committees or community organizations, and may create advisory ad hoc committees to address changing community needs.

Section 7. Executive Assistant of Administration.

With the advice and consent of the Board of Aldermen, the Mayor may appoint an individual to serve as Executive Assistant of Administration. The Executive Assistant of Administration shall perform such duties as may be required by the Mayor, including supervisory duties or responsibilities with regard to one or more City employees. The Executive Assistant of Administration may be discharged only with the consent of a majority of the Board of Aldermen.

Section 8. Executive Assistant to the Mayor.

The Mayor may appoint an individual to serve as Executive Assistant to the Mayor. The Executive Assistant to the Mayor shall serve at the pleasure of the Mayor and perform such duties as may be required by the Mayor, except that the Executive Assistant to the Mayor shall have no supervisory duties or responsibilities with respect to any City employee. The Executive Assistant to the Mayor may be discharged by the Mayor.

Section 9. Administrative Assistant.

With the advice and consent of the Board of Aldermen, the Mayor may appoint an individual to serve as Administrative Assistant to the Mayor. The Administrative Assistant shall perform such duties as may be required by the Mayor.

ARTICLE IV

General Powers

Section 1. Powers of the City.

The City has all the powers specified for exercise by municipalities or necessarily implied therefrom as granted under the Constitution and laws of the State of Maryland and of the United States of America, together with any and all powers inherent in the creation of municipalities, as fully and completely as though they were specifically enumerated in this Charter. In addition to all powers granted to the City by this Charter or any other provision of law, the City may exercise any power or perform any function that is not now or hereafter denied to it by the Constitution of Maryland, this Charter, or any applicable law passed by the General Assembly of Maryland. Absence of enumeration of powers and functions in this Charter shall not be deemed to limit the power and authority granted to the City by this section.

Section 2. Enforcement of ordinances; penalties for violation of ordinances.

The Board of Aldermen may provide that an ordinance may be enforced by civil remedy, or by fines and incarceration, or by other penalties or remedies as permitted by Maryland law.

ARTICLE V

Registrations, Nominations and Elections

Section 1. Conduct of elections.

The Board of Aldermen, by ordinance, shall provide for the registration of voters and the conduct of municipal elections, including but not limited to provisions for the casting of ballots by absentee voters, the prevention of fraud, and a recount of ballots in case of doubt or fraud.

Section 2. Board of Supervisors of Elections.

(a) There is hereby established a Board of Supervisors of Elections consisting of three members appointed by the Mayor, with the advice and consent of the Board of Aldermen. Members will be appointed on or before the first day of June every four years, beginning in 2014. The terms of members of the Board of Supervisors of Elections will begin on the first day of June of the year in which they are appointed and will run for four years, ending on May 31 in the fourth year. The Board of Aldermen shall determine the compensation of the Board of Supervisors of Elections. Notwithstanding the foregoing, the terms of those members of the Board of Supervisors of Elections serving on the effective date of this Charter are extended to May 31, 2014.

(b) The members of the Board of Supervisors of Elections must be individuals of high character and integrity. They must be legal residents of the City and registered voters of the City. No more than two members of the Board of Supervisors of Elections may be members of the same political party, and a member of the Board of Supervisors of Elections may not hold, or be a candidate for, any elective office during the member's term.

(c) Any member of the Board of Supervisors of Elections may be removed for good cause by the Board of Aldermen. Before removal, a member of the Board of Supervisors of Elections must be given a written copy of the charges and shall have a public hearing on them before the Board of Aldermen.

(d) In the event of a vacancy on the Board of Supervisors of Elections for any reason, the vacancy shall be filled by the Mayor, with the advice and consent of the Board of Aldermen, for the remainder of the unexpired term.

(e) The Board of Supervisors of Elections shall elect from its membership a President, Vice President and Secretary. All questions shall be decided by a majority vote of the Board of Supervisors of Elections.

(f) The Board of Supervisors of Elections shall provide general supervision over the conduct of the system of registration and all primary, general, and special municipal elections in accordance with the provisions of this Charter and the City Code.

Section 3. Results of election.

The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The five candidates for Board of Aldermen with the highest number of votes in the general election shall be declared elected as the Board of Aldermen. In case of a tie in the highest number of votes for Mayor, or in case of a tie in the votes for Alderman wherein no single candidate received the fifth highest number of votes, there shall be a special runoff election between the candidates receiving the tie vote, to be held after 30 days' public notice, in accordance with this Charter.

Section 4. Election precincts.

The Board of Aldermen, by resolution, shall establish the election precinct boundaries with the advice and cooperation of the Board of Supervisors of Elections.

Section 5. Write-in votes prohibited.

Write-in votes are permitted in the City's general election but prohibited in the primary elections.

Section 6. Challengers and watchers.

Any political party, as defined by Maryland law, and any candidate for election may designate an individual known as a "challenger and watcher" at each polling place. A challenger and watcher will be positioned near the election judges and inside the voting room so that the challenger and watcher may see and hear each voter as the person offers to vote. A challenger and watcher may not attempt to ascertain how a voter voted or intends to vote, confer in the polling room with any voter, or assist a voter in voting. A challenger and watcher may not interfere with or obstruct an election judge in the proper performance of the election judge's duties. An election judge may eject a challenger and watcher who engages in any act prohibited by this section. A political party or candidate who designates a challenger and watcher may remove the challenger and watcher at any time.

Section 7. Primary election – Date.

Every fourth year on the second Tuesday after the first Monday in September, counting from 1969, a primary election will be held in the City.

Section 8. Candidate nominations – Political parties.

(a) Candidates for Mayor or Alderman affiliated with either of the two principal political parties, as defined by Maryland law, will be nominated by direct primary election. Any registered voter of the City who is affiliated with either principal political party may vote in the primary election for that party. An individual nominated by primary election will be designated on the general election ballot as a nominee of the principal political party by which the individual was nominated.

(b) There will be no primary election for Alderman for a political party with five or fewer candidates. There will be no primary election for Mayor for a political party with one or no candidates.

(c) Candidates for Mayor or Alderman affiliated with any political party, as defined by Maryland law, other than the two principal political parties, shall be nominated in accordance with that party's bylaws. On or before the first Monday in August before the general election, the political party must certify the names of any candidates so nominated to the Board of Supervisors of Elections. Any individual nominated under this subsection will be designated on the general election ballot as a nominee of the political party by which the individual was nominated.

(d) A political party may not nominate more than one candidate for Mayor and five candidates for Alderman.

Section 9. Primary election – Candidate filing requirements.

(a) A person who meets the requirements for Mayor or Alderman may file a certificate of candidacy and a financial disclosure statement with the Board of Supervisors of Elections not later than 70 days before the primary election.

(b) On the certificate of candidacy, a candidate shall designate how the candidate's name is to appear on the ballot. Except as otherwise provided in this section, a candidate shall file a certificate of candidacy in which the candidate lists any given name, an initial letter of any other given name, and surname. A candidate may file a certificate of candidacy in a name different than that specified above if the candidate files an affidavit, under penalties of perjury, attesting that the candidate is generally known by that other name in press accounts concerning the candidate, if any, or, if press accounts do not exist, the candidate's everyday encounters with members of the community. Except for the use of quotation marks to enclose a portion of a name, the use of symbols, titles, degrees, or other professional designations on the certificate of candidacy is prohibited.

(c) A person may not be a candidate for more than one office in a primary election.

Section 10. Primary election – Withdrawal of candidate.

Whenever an individual who has filed a certificate of candidacy for nomination in the primary election files with the Board of Supervisors of Elections, within ten days after the final filing date, a signed affidavit of withdrawal of candidacy, the certificate of candidacy will be void and the name of the individual withdrawing will not be printed upon the ballots to be used in the primary election. The filing of a valid affidavit of withdrawal of candidacy is a final act of withdrawal and an individual who files an affidavit of withdrawal may not reinstate an individual's candidacy, unless the time limit for the filing of candidacies has not expired.

Section 11. General election – Date.

Subject to § 13 of this article, in every fourth year, on the first Tuesday after the first Monday in November, counting from 1969, a general election will be held in the City, whereby the registered voters of the City will elect a Mayor and Board of Aldermen.

Section 12. General election – Nominations and ballots.

(a) Only the names of individuals nominated in accordance with the provisions of this Charter will be placed on the ballot as candidates for Mayor or Alderman. The names of the candidates must appear as specified on the certificate of candidacy. For each office, the names of candidates will be grouped together by party, with the majority party candidate or candidates listed first, followed by the candidate or candidates of the principal minority party, followed by the candidate or candidates of other political parties in descending order based on the City-wide registration of the party, and finally by candidates who are not nominees of a political party. For purposes of this section, “majority party” means the party of the incumbent Mayor and “principal minority party” means the party whose candidate for Mayor received the second-highest number of votes in the last preceding general election. When there is more than one candidate of the same political party for election to an office, the names of the candidates will be listed in alphabetical order by surname.

(b) An individual may not be a candidate for more than one office in any general election. An individual may not hold more than one elective public office at any one time.

(c) An individual may decline nomination for Mayor or Alderman by delivering a notarized written statement to the Board of Supervisors of Elections no later than two days after the primary election results are certified. After the written statement is delivered, the individual’s nomination will be void and will not be printed upon the ballots.

Section 13. General election – Vacancies among candidates for Mayor.

If a candidate for Mayor dies less than 30 days before the general election, the candidate’s central committee may, within 15 days after the date of the candidate’s death, select another candidate. The date of the general election will be held on the fourth Tuesday following the date the new candidate is selected.

Section 14. General election – Petition candidate.

(a) An individual who is not affiliated with a political party, as defined by Maryland law, may be nominated by petition.

(b) An individual not affiliated with a political party, as defined by Maryland law, will be deemed to have been nominated by petition as a candidate for Mayor or Alderman upon filing on a prescribed form with the Board of Supervisors of Elections, on or before May 1 preceding the general election, a petition containing:

(1) the signatures and addresses of at least 3% of the registered voters of the City, based on the number of registered voters on January 1 preceding the general election;

(2) the name of the candidate;

(3) a statement of the candidate's political party affiliation, if any; and

(4) the office the candidate seeks.

(c) An individual may not sign a petition more than once for the same candidate.

(d) The Board of Supervisors of Elections shall verify the signatures of individuals who are registered voters in the City at the time the petition is received. The Board of Supervisors of Elections shall notify the proposed candidate of the results of the verification.

(e) An individual nominated under this section will be designated on the general election ballot as "Other".

Section 15. Conduct of special elections.

A special election, if required, will be conducted in the same manner as described in this article for holding primary and general municipal elections.

Section 16. Referenda.

(a) Any ordinance or part of an ordinance enacted by the City may be challenged by the filing of a petition for referendum, in accordance with this section, except an ordinance adopting or amending an annual budget or imposing a tax.

(b) A petition for referendum must be filed with the Board of Supervisors of Elections within 20 days after the ordinance becomes effective according to its terms. Upon the timely filing of a petition, the ordinance or part thereof to be referred will cease being effective until 30 days after its approval by a majority of the qualified voters of the City voting on the question. Any ordinance or part thereof disapproved by the voters shall stand repealed. An emergency ordinance shall remain in effect from the date it becomes effective according to its terms, notwithstanding the filing of a petition for referendum, but shall stand repealed 30 days after having been rejected by a majority of the qualified voters of the City voting on the question.

(c) A petition filed under this section must be signed by 10% or more of the registered voters of the City. The Board of Supervisors of Elections shall verify the signatures on the petition and shall forthwith notify the Mayor and Board of Aldermen, in writing, it has verified the signatures.

(d) Following the timely filing of a valid petition and receipt of the notice from the Board of Supervisors of Elections that the signatures have been verified, the Board of Aldermen, by resolution, shall designate an election at which the registered voters of the City may vote on the

ordinance or part thereof referred. If an election of the City, the State of Maryland, or the United States is scheduled to take place within six months after the Board of Supervisors of Elections verifies the signatures on a petition, the Board of Aldermen shall designate that scheduled election for the referendum vote. If no such election is scheduled, then the Board of Aldermen shall designate a special election to take place on a specified date within 90 days after the Board of Supervisors of Elections verifies the signatures on a petition. Any resolution providing for a referendum must specify the exact wording that is to be placed on the ballots when the question is submitted to the voters of the City.

(e) The Board of Aldermen, by resolution, may provide for the submission of any proposed ordinance to a vote of the registered voters of the City. A resolution providing for a referendum must designate the election at which the voters may vote on the ordinance and must specify the exact wording that is to be placed on the ballots. If an election of the City, the State of Maryland, or the United States is scheduled to take place within six months after the adoption of the resolution, the Board of Aldermen shall designate that scheduled election for the referendum vote. If no such election is scheduled, then the Board of Aldermen shall designate a special election to take place on a specified date within 90 days of the adoption of the resolution. A proposed ordinance approved by a majority of the registered voters of the City voting on the question will become effective 30 days after its approval. A proposed ordinance not approved by the voters will be of no effect.

Section 17. Canvassing of votes.

The Board of Supervisors of Elections is responsible for canvassing the votes in all City elections. At 9 a.m. or later on the first Thursday after the election, the Board of Supervisors of Elections shall convene and proceed to canvass the ballots cast at the election. The results of the canvass shall be certified by the Board of Supervisors of Elections to the Director of Finance and to the Mayor and Board of Aldermen, which shall have the results entered into its minutes. After the general election or a special election, the Director of Finance shall issue certificates of election to the candidates certified by the Board of Supervisors of Elections to have been elected.

Section 18. Vacancies in elective office.

(a) In case of a vacancy for any reason on the Board of Aldermen, the Board of Aldermen, within four weeks after the vacancy, shall elect by a favorable vote of at least three Aldermen a qualified person to serve as Alderman for the remainder of the term. The person so elected must be of the same political party as the Alderman whose position was vacated.

(b) If the Mayor dies while in office or resigns, the Board of Aldermen, within four weeks after the vacancy, shall elect by a favorable vote of at least three Aldermen a qualified person to serve as Mayor for the remainder of the term.

(c) The City's Legislative Clerk shall notify an individual elected under this section, in writing, immediately after the individual's election. Within five days after the individual's receipt of the notice, the individual shall take office in the same manner as regularly elected City officials.

Section 19. Preservation of peace and order.

The Board of Supervisors of Elections, its staff, and election judges shall keep peace and order and enforce obedience to their lawful commands and to the City's election laws at and around the site of City election and canvassing of votes.

Section 20. Penalty for violations of this article.

An individual who willfully violates any of the provisions of this article or any rules or regulations of the Board of Aldermen passed under this article or willfully does anything that will tend to affect fraudulently or illegally the registration of a City voter or a City election is guilty of a municipal infraction. The penalty for violation is a fine of \$400.00.

ARTICLE VI Administration

Section 1. General provisions.

The Board of Aldermen may establish or abolish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies. All departments, offices and agencies shall be under the direct supervision of the Mayor as chief executive officer and head of the administrative branch of the City. The Mayor shall ensure that administrative support is provided to the Board of Aldermen.

Section 2. Department of Public Works.

(a) A Department of Public Works is hereby created, and is comprised of the Divisions of Operations, Engineering, Planning, and Parks and Recreation.

(b) With the advice and consent of the Board of Aldermen, in accordance with Article III, § 6 of this Charter, the Mayor shall appoint a Director of Public Works to administer the Department of Public Works. To be eligible for appointment, the Director of Public Works must be a Maryland registered professional engineer. The Director of Public Works may be discharged from office in accordance with Article III, § 6 of this Charter.

Section 2-A. Division of Operations.

(a) A Division of Operations is hereby created within the Department of Public Works. In addition to such further duties as the Mayor or Director of Public Works may prescribe from time to time, the Division of Operations is charged specifically with control of water and sewer, signs and street lights, solid waste collection, and snow removal within the City.

(b) With the advice and consent of the Board of Aldermen, in accordance with Article III, § 6 of this Charter, the Mayor shall appoint a Deputy Director for Operations to administer the Division of Operations. The Deputy Director for Operations will be supervised by the Director of

Public Works. The Deputy Director for Operations may be discharged from office in accordance with Article III, § 6 of this Charter.

Section 2–B. Division of Engineering.

(a) A Division of Engineering is hereby created within the Department of Public Works. In addition to such further duties as the Mayor or Director of Public Works may prescribe from time to time, the Division of Engineering is charged specifically with providing engineering services in the areas of land development and construction, utilities planning, surveying and mapping, and traffic; and administering and enforcing the City's building and technical codes, including issuing permits and performing inspections.

(b) With the advice and consent of the Board of Aldermen, in accordance with Article III, § 6 of this Charter, the Mayor shall appoint a Deputy Director for Engineering, who may also be known as the City Engineer, to administer the Division of Engineering. The Deputy Director for Engineering will be supervised by the Director of Public Works. The Deputy Director for Engineering may be discharged from office in accordance with Article III, § 6 of this Charter.

Section 2–C. Division of Planning.

(a) A Division of Planning is hereby created within the Department of Public Works. In addition to such further duties as the Mayor or Director of Public Works may prescribe from time to time, the Division of Planning is charged specifically with preparing the City's comprehensive plan; administering and enforcing the property maintenance and land management codes; administering the Division of Community Development; and overseeing the City's use of its federal Community Development Block Grant.

(b) With the advice and consent of the Board of Aldermen, in accordance with Article III, § 6 of this Charter, the Mayor shall appoint a Deputy Director for Planning to administer the Division of Planning. The Deputy Director for Planning will be supervised by the Director of Public Works. The Deputy Director for Planning may be discharged from office in accordance with Article III, § 6 of this Charter.

Section 2–D. Division of Parks and Recreation.

(a) A Division of Parks and Recreation is hereby created within the Department of Public Works. In addition to such further duties as the Mayor or Director of Public Works may prescribe from time to time, the Division of Parks and Recreation is charged specifically with establishing and operating parks, squares, athletic and recreational facilities and activities; supervising the Office of Special Events; and managing the Clustered Spires Golf Course.

(b) With the advice and consent of the Board of Aldermen, in accordance with Article III, § 6 of this Charter, the Mayor shall appoint a Deputy Director for Parks and Recreation to administer the Division of Parks and Recreation. The Deputy Director for Recreation will be supervised by the Director of Public Works. The Deputy Director for Parks and Recreation may be discharged from office in accordance with Article III, § 6 of this Charter.

Section 3. Legal Department.

(a) A Legal Department is hereby created. In addition to such further duties as the Mayor may prescribe from time to time, the Legal Department is charged specifically with providing legal advice to the Mayor, Board of Aldermen, City staff, and administrative agencies; litigating suits or actions to which the City is a party except as provided in subsection (c) of this section; preparing ordinances and resolutions for introduction to the Board of Aldermen; and preparing or approving for legal sufficiency contracts and other documents to be signed by the Mayor.

(b) With the advice and consent of the Board of Aldermen, in accordance with Article III, § 6 of this Charter, the Mayor shall appoint a City Attorney to administer the Legal Department. To be eligible for appointment, the City Attorney must be a member of the bar of the State of Maryland, the U.S. District Court for the District of Maryland, and Frederick County, and shall have actively practiced law in Maryland for not less than one year. The City Attorney may be discharged from office in accordance with Article III, § 6 of this Charter.

(c) The City Attorney may request the Board of Aldermen to authorize the use of outside counsel to represent the City in litigation. The City Attorney may not retain outside counsel to represent the City in litigation without the express authorization of the Board of Aldermen.

Section 4. Department of Human Resources.

(a) A Department of Human Resources is hereby created. In addition to such further duties as the Mayor may prescribe from time to time, the Department of Human Resources is charged specifically with overseeing the following with respect to City employees: recruitment and retention; employee policies and procedures; benefits and wellness; classification and compensation; performance and development; separation and retirement; and compliance with applicable federal, state and local laws.

(b) With the advice and consent of the Board of Aldermen, in accordance with Article III, § 6 of this Charter, the Mayor shall appoint a Director of Human Resources to administer the Department of Human Resources. The Director of Human Resources may be discharged from office in accordance with Article III, § 6 of this Charter.

Section 5. Department of Finance.

(a) A Department of Finance is hereby created. In addition to such further duties as the Mayor may prescribe from time to time, the Department of Finance is charged specifically with the managing, processing, controlling, recording, and reporting of all financial assets and transactions of the City.

(b) The Mayor, with the advice and consent of the Board of Aldermen, in accordance with Article III, § 6 of this Charter, shall appoint a Director of Finance to administer the Department of Finance. To be eligible for appointment, the Director of Finance must be a certified

public accountant or a certified public finance officer. The Director of Finance may be discharged from office in accordance with Article III, § 6 of this Charter.

Section 6. Department of Budget and Purchasing.

(a) A Department of Budget and Purchasing is hereby created. In addition to such further duties as the Mayor may prescribe from time to time, the Department of Budget and Purchasing is charged specifically with preparing the annual budget and developing and administering budgeting and purchasing policies and procedures.

(b) The Mayor shall, with the advice and consent of the Board of Aldermen, in accordance with Article III, § 6 of this Charter, appoint a Director of Budget and Purchasing to administer the Department of Budget and Purchasing. To be eligible for appointment, the Director of Budget and Purchasing must be a certified public accountant or a certified public finance officer. The Director of Budget and Purchasing may be discharged from office in accordance with Article III, § 6 of this Charter.

Section 7. Frederick Police Department.

(a) The Frederick Police Department is hereby created to provide professional police services to the City.

(b) The Mayor, with the advice and consent of the Board of Aldermen, in accordance with Article III, § 6 of this Charter, shall appoint a Chief of Police to administer the Frederick Police Department. Due to the necessity of responding promptly in emergency situations and in the interest of public safety, the Chief of Police must have and maintain a principal residence and place of legal domicile within 10 miles of the intersection of Market and Patrick Streets. The Chief of Police may be discharged from office in accordance with Article III, § 6 of this Charter.

(c) This subsection applies to an officer of the Frederick Police Department who is appointed Chief of Police. Upon resignation or removal pursuant to subsection (b) of this section, the Chief of Police is entitled to be reinstated as a sworn officer to the officer's previous rank or a higher rank, as determined by the Board of Aldermen.

Section 8. Department of Economic Development.

(a) A Department of Economic Development is hereby created. In addition to such further duties as the Mayor may prescribe from time to time, the Department of Economic Development is charged specifically with administering programs and services to promote economic development within the City; developing business retention strategies; and attracting new businesses to expand the business base of the City.

(b) With the advice and consent of the Board of Aldermen, in accordance with Article III, Section 6 of this Charter, the Mayor shall appoint a Director of Economic Development to administer the Department of Economic Development. The Director of Economic Development may be discharged from office in accordance with Article III, Section 6 of this Charter.

Section 9. Frederick Community Action Agency.

With the advice and consent of the Board of Aldermen, in accordance with Article III, § 6 of this Charter, the Mayor shall appoint a Director of the Frederick Community Action Agency (FCAA). The Director of the FCAA will be supervised by the Mayor. In addition to such further duties as the Mayor may prescribe from time to time, the Director of the FCAA is charged specifically with overseeing the operation of the FCAA and advising its Board of Directors. The Director of the FCAA may be discharged from office in accordance with Article III, § 6 of this Charter.

ARTICLE VII
Finance

Section 1. Financial supervision.

The Mayor has complete oversight and accountability over the financial administration of the City government and may delegate any of the financial powers and duties granted to the Mayor by this Charter.

Section 2. Fiscal year.

The fiscal year of the City begins on the first day of July each year and ends on the last day of June of the following year.

Section 3. Budget – Presentation to Aldermen.

(a) On or before April 1 each year, the Mayor shall submit to the Board of Aldermen an initial proposed budget for the following fiscal year. The contents of the proposed budget will be as described in § 4 of this article. The Mayor may continue to make revisions to the proposed budget through May 14. Beginning on May 15, the Board of Aldermen will have the sole power to revise the budget in accordance with § 5 of this article.

(b) Along with the proposed budget, the Mayor shall submit to the Board of Aldermen a budget summary overview. The overview will describe the important features of the budget plan, including the reasons for salient changes from the previous year and any major changes in financial policy. The overview will also include a statement of pending capital improvement projects for the next five fiscal years. Attached to the overview will be any supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the Mayor deems necessary.

Section 4. Budget – Contents generally.

(a) The City operates on an annual budget that provides a complete financial plan for the budget year. The Board of Aldermen, by ordinance, may provide for the specific contents of the budget.

(b) The budget will generally include:

(1) a general summary, showing principal sources of revenue and kinds of expenditures, in a form so as to present to the taxpayers a clear and straightforward picture of the budget;

(2) estimates of all anticipated revenues; and

(3) estimates of all proposed expenditures, totaling the same amount as the total anticipated revenues.

(c) The budget may include a contingency fund in an amount approved by the Board of Aldermen. The Mayor may allocate money from this fund to various offices, departments, or agencies, or may authorize the expenditure of money from this fund for public purposes not anticipated at the time of budget adoption.

Section 5. Budget – Hearing and adoption process.

(a) On or before April 1 of each year, the Board of Aldermen shall approve the place and time of at least two regular or special meetings at which the budget will be considered and at which any interested person may be heard concerning the budget. The Board of Aldermen shall give at least 10 days' public notice of the first meeting scheduled under this subsection.

(b) The Mayor shall ensure that a department head is present at a budget hearing, if requested by the Board of Aldermen to do so. Except at such a hearing, a department head may not take any public stand on the proposed budget.

(c) The Board of Aldermen may insert new items, or may increase or decrease the items of the budget. Where the Board of Aldermen increases or decreases the total proposed expenditures, it shall also increase or decrease the total anticipated revenue to equal the total proposed expenditures.

(d) Except as otherwise provided in subsection (e) of this section, the budget must be adopted in the form of a special ordinance approved by a favorable vote of at least a majority of the total membership of the Board of Aldermen.

(e) Before June 20 each year, the Board of Aldermen shall adopt the budget for the upcoming fiscal year. If the Board of Aldermen fails to timely enact a special ordinance to adopt the annual budget (or if the Mayor vetoes the special ordinance and the Board of Aldermen fails to override the veto), then the Mayor's budget, as proposed, shall be deemed to have been finally adopted by the Board of Aldermen.

Section 6. Appropriations.

(a) From the effective date of the budget, the amounts stated in the budget as proposed expenditures shall be and become appropriated to the objects and purposes named in the budget.

(b) Public money may not be expended without having been appropriated by the Board of Aldermen. An office, department, or agency may not expend or contract to expend any money or incur any liability or enter into any contract that by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for that general classification of expenditures.

(c) Nothing in this section prevents the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, or the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made.

(d) At any time, the Mayor may transfer any unencumbered appropriation balance (or portion thereof) between general classifications of expenditures within an office, department, or agency.

(e) Within the last quarter of the fiscal year, at the request of the Mayor, the Board of Aldermen may transfer any unencumbered appropriation balance (or portion thereof) from one office, department, or agency to another.

(f) Appropriations not expended or lawfully encumbered before the end of the fiscal year will lapse.

Section 7. Fees.

The Board of Aldermen, by ordinance, may adopt various administrative or regulatory fees as allowed by law. All public fees received by any officer or employee belong to the City government and must be paid to the City.

Section 8. Checks.

All checks issued in payment of salaries and other municipal obligations must be issued and signed personally or in facsimile by the Director of Finance and countersigned by the Mayor. In the case of the absence or incapacity of the Director of Finance, checks must be issued and signed by the Director of Budget and Purchasing. In the case of the absence or incapacity of the Mayor, checks must be countersigned by the President Pro Tempore.

Section 9. Taxing power.

The City annually may levy and collect taxes on the assessable property within the City Boundary. As part of its taxing power, the City may levy and collect a general assessment on all real property within the City Boundary to pay for the construction or maintenance of water mains,

sewer mains, public ways, sidewalks, curbs, gutters, and storm water sewers. This general assessment need not be based on the assessed valuation of the property but may be made on any equitable basis determined by the Board of Aldermen.

Section 10. Taxable property.

(a) Except as otherwise exempted by Maryland law, all real and tangible personal property within the City Boundary, or which may have a situs there by reason of the residence of the owner, is subject to taxation for municipal purposes. The assessment for tax purposes is the same as that for State and County taxes.

(b) The Board of Aldermen may exempt from taxation all agricultural property within the City or may levy on agricultural property a lower tax rate than is levied on other property within the City. For the purposes of this section, "agricultural property" includes unimproved land used exclusively for agricultural purposes, all barns, stables, and similar improvements located thereon, and all farming implements and stock used in connection therewith.

(c) The Board of Aldermen may exempt from taxation for municipal purposes the buildings and equipment owned and operated by any manufacturing company or association within the City Boundary.

(d) The Board of Aldermen, by ordinance, may establish property tax credits.

Section 11. Tax collection.

(a) City property taxes are due on the first day of July of each year. The Board of Aldermen, by resolution, may establish discounts for payment prior to October of each year. The taxes shall bear interest at a rate as established by resolution of the Board of Aldermen for each month or fraction of a month thereafter until paid. All taxes not paid and in arrears after the first day of the following March shall be collected as provided by law.

(b) Improvements to real property completed during the period after July 1 in any year and through January 1 in the next succeeding year or otherwise first added to the tax rolls during this period are subject to the payment of property taxes for the six months beginning on that January 1 and ending the next succeeding June 30. The taxes for these six months shall be computed by using the assessed valuation of the property at one-half the current tax rate. The taxes levied hereby shall be due and payable on January 1 or as of the day a tax bill therefor was or reasonably should have been received or available, whichever is later. The Board of Aldermen, by resolution, may establish discounts for payment prior to the first day of April. The taxes shall bear interest at a rate as established by resolution of the Board of Aldermen for each month or fraction of a month thereafter until paid. This tax, if not paid after the first day of the following July, shall be collected as provided by law.

(c) Immediately after the levy is made by the Board of Aldermen in each tax year, the Director of Finance shall ensure that a bill or account of the taxes due from each taxpayer is prepared and mailed to each taxpayer. This bill or account shall contain a statement of the amount

of real or personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date from which they will bear interest.

Section 12. Sale of tax delinquent property.

The Director of Finance shall submit to the Frederick County official responsible for the sale of tax delinquent property a list of all property on which the City taxes have not been paid and are in arrears as provided in this Charter. The listed properties will be sold by the County official in the manner prescribed by Maryland law.

Section 13. Bonds.

(a) The City may borrow on the faith and credit of the City from time to time as may be deemed necessary for the general welfare of the City and its general corporate purposes. The City may issue and sell bonds for such indebtedness in accordance with this section.

(b) The total amount of bonds issued under the authority of this Charter, when added to bonds outstanding less the amounts in any sinking funds for the redemption of bonds outstanding, may not exceed 3% of the total assessed value of all taxable property in the City. Bonds issued for the purpose of financing and paying for the construction, operation, maintenance and repair of the water supply system and the sewerage system will not be included in the calculation of the total amount of bonds issued.

(c) All proposed bond issues issued under the provisions of this Charter must be approved by the Board of Aldermen.

(d) Bonds may be either coupon or registered bonds. All bonds will be issued in serial form or in such other form providing for amortization of the bonds as the Mayor and Board of Aldermen determine in the ordinance or resolution authorizing the bonds. The bonds will be issued in the denominations, at the rates of interest, and for the period of time determined by the Board of Aldermen. The rate or rates of interest payable on the bonds may include variable rate or rates of interest. The Board of Aldermen shall decide the method of determining the rate or rates. The City may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of and security for bonds and for the purpose of securing any tender option that may be granted to holders of bonds. Nothing in this Charter prevents the City from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

(e) All bonds must be signed by the Mayor and attested by the Director of Finance and the City seal must be attached. When signed and attested, the bonds must be delivered to the Director of Finance, who is responsible for their safekeeping until sold.

(f) The Director of Finance shall sell bonds either by sealed bids, after notice as determined by the Board of Aldermen, or by negotiation at private sale without solicitation of competitive bids, as provided by ordinance or resolution of the Board of Aldermen. Bonds may

not be sold by sealed bids or private sale except at prices approved by the Board of Aldermen, which prices may be at, above, or below par.

(g) The Board of Aldermen, by resolution, may establish regulations relating to the issuance and sale of bonds.

Section 14. Short – term borrowing.

The City may borrow on a short-term basis any sum not to exceed in the aggregate \$1,000,000, and may issue notes or other evidences of indebtedness for such borrowing. This money may be expended for any municipal purpose. The notes or other evidences of indebtedness shall be sold as provided by the Board of Aldermen. All notes or other evidences of indebtedness issued under the provisions of this section shall be paid from the taxes levied for the general purposes of the City. Levying or collecting any special tax for the payment of these notes or other evidences of indebtedness is expressly prohibited. The notes or other evidences of indebtedness issued under the provisions of this section need not be submitted to a vote of the qualified voters of the City and they will not be deemed to be included under the 3% bond limit established by § 13 of this Charter.

Section 15. Purchasing.

The Board of Aldermen, by ordinance or resolution, may establish regulations relating to the City's purchase of supplies, materials, services, or equipment, including provisions relating to competitive bidding.

Section 16. Audit.

At least annually, the Board of Aldermen shall retain a competent person to audit the financial books and accounts of the City and submit the results to the Mayor and Board of Aldermen.

Section 17. Recordation of deeds.

Except as otherwise provided by Maryland law, a deed conveying real property may not be recorded in the Land Records of Frederick County until the Finance Department endorses its approval on the deed. The Finance Department will endorse its approval only after receiving the requisite transfer fee and ascertaining that all outstanding City taxes, special assessments, water rents, and other public charges due to the City for the current year and all prior years have been paid.

ARTICLE VIII

Human Resources

Section 1. Authority to employ personnel.

The City of Frederick may employ individuals it deems necessary to execute the powers and duties provided by this Charter or Maryland law and to operate the City government.

Section 2. Policies and procedures.

The Board of Aldermen, by ordinance or resolution, shall adopt policies and procedures governing matters of personnel administration, including but not limited to a merit system, employee rules of conduct, compensation and benefits, hiring procedures, and separation from employment.

Section 3. Personnel Board – Membership.

(a) There is hereby established a Personnel Board comprised of three regular members and one alternate member. Each member is appointed by the Mayor, with the advice and consent of the Board of Aldermen.

(b) A member may not hold any public elected office and may not hold any other City position. Each member must be a Maryland registered voter and must:

- (1) be a City resident;
- (2) own property in the City;
- (3) operate a business in the City; or
- (4) have a primary place of employment in the City.

(c) With the advice and consent of the Board of Aldermen, the Mayor may designate one of the members of the Personnel Board as chairperson.

(d) Each member of the Personnel Board will be appointed for a term of four years, and the four terms will be staggered so one term expires every year. With the advice and consent of the Board of Aldermen, the Mayor shall fill any vacancy for the remainder of the applicable term.

(e) With the advice and consent of the Board of Aldermen, the Mayor may remove a member of the Personnel Board, after a hearing, for misfeasance, malfeasance, or nonfeasance in office.

Section 4. Personnel Board – Duties.

(a) In accordance with § 7 of this article, the Personnel Board shall hear any appeal made by a full-time employee who is suspended, demoted, or discharged.

(b) The Personnel Board may provide advice to the Mayor and Board of Aldermen on issues concerning personnel administration and may perform other duties concerning personnel administration as directed by the Mayor and Board of Aldermen.

Section 5. Probation.

Except for elected officials and employees appointed by the Mayor, every full-time and regular part-time City employee serves on probation for a period of 90 days after the employee's first day of City employment.

Section 6. Suspension, demotion or discharge.

(a) Except for elected officials, employees appointed by the Mayor, and probationary employees, this section applies to full-time City employees.

(b) A supervisor may suspend, demote, or discharge an employee in accordance with the personnel policies and procedures adopted by the Board of Aldermen.

(c) Prior to suspension, demotion or discharge, the supervisor shall notify the employee in writing of the reason for the action to be taken and the date upon which the action will take effect. The written notice must include a statement that the employee has the right to appeal the action of the supervisor pursuant to this article.

Section 7. Appeals to the Personnel Board.

(a) Except for elected officials, employees appointed by the Mayor, and probationary employees, this section applies to full-time City employees.

(b) An employee may appeal a suspension, demotion or discharge to the Personnel Board, in writing, within 30 days after the date of the written notice sent by the supervisor to the employee under § 6 of this article. An appeal does not stay the imposition of disciplinary action by the supervisor.

(c) The Personnel Board shall set a hearing and shall notify the employee, in writing, of the date, time, and place of the hearing. The notice also must inform the employee of the employee's right to:

(1) be represented at the hearing by a person of the employee's choosing, with the exception of a City supervisor or a manager within the employee's chain of command;

(2) cross-examine witnesses; and

(3) testify and present other evidence.

(d) The Personnel Board may recommend affirming or reversing the supervisor's decision to impose disciplinary action upon the employee. If the Personnel Board recommends affirming the supervisor's decision, the Personnel Board may recommend that the penalty imposed by the supervisor be modified.

(e) After the conclusion of the hearing, the Personnel Board shall adopt a written opinion, including its findings and recommendations, and promptly deliver a copy of the opinion to the Mayor and Board of Aldermen for final decision.

Section 8. Retirement.

The Board of Aldermen, by ordinance or resolution, may establish retirement benefits for City employees.

Section 9. Equal employment.

Except as to factors related to the ability to perform work, the City will not favor or discriminate against any City employee or applicant for employment because of the employee or applicant's race, color, religion, sex, national origin, age, marital status, veteran status, disability, sexual orientation, or any other group protected by Maryland law. The City will not favor or discriminate against any City employee or applicant for employment because of the employee or applicant's political opinions or affiliation.

Section 10. Legal defense of officials and employees.

The City will provide for legal defense of its officials and employees when they are parties to suits arising from the lawful performance of their official duties. The defense may be rendered by the Legal Department or by other counsel authorized by the Board of Aldermen. The Board of Aldermen may appropriate funds to provide for outside legal counsel, including the costs of insurance policies or other programs offering such protection.

Section 11. Collective bargaining.

The Board of Aldermen, by ordinance, may provide for collective bargaining for City employees, in appropriate units, of wages, hours and other terms and conditions of employment.

Section 12. Political activity.

City employees have the same rights to engage in political activity as are afforded to Maryland State employees. Employees may not engage in political activity while on the job during working hours or while otherwise acting in an official capacity or as an agent of the City.

ARTICLE IX

Police

Section 1. Officers – Number and compensation.

(a) The Board of Aldermen, by ordinance, shall establish the number of police officers necessary to enforce the laws within their jurisdiction.

(b) The Board of Aldermen, by ordinance, may increase or decrease the number of captains, lieutenants, sergeants, corporals, and officers, when in its judgment it is proper to do so.

(c) All police officers shall receive the compensation fixed from time to time by contract or ordinance.

Section 2. Officers – Discipline.

The Chief of Police may discipline, suspend, demote, or terminate any police officer in accordance with the Law Enforcement Officers' Bill of Rights (LEOBR), as codified at Section 3–101 et seq. of the Public Safety Article of the Annotated Code of Maryland. Any investigation of any police officer and any subsequent disciplinary proceedings will be conducted in accordance with the LEOBR and any other applicable law.

Section 3. Examination of prospective police officers.

An individual at least 21 years old who desires to be hired as a police officer may make application to the Frederick Police Department. The Chief of Police shall provide for the examination of all applicants as to their moral, educational, physical, psychological, and community department qualifications, in accordance with the City Code.

Section 4. Rules and regulations.

The Chief of Police may adopt rules and regulations in order to ensure the efficient operation of the Frederick Police Department.

Section 5. Promotions.

Upon report of a satisfactory promotional examination, the Chief of Police may promote police officers up to and including the rank of lieutenant. Promotions to ranks above lieutenant will be made by the Chief of Police, with the advice and consent of the Board of Aldermen.

Section 6. Performance of duties.

Police officers shall perform the duties prescribed by ordinance or regulation.

Section 7. Political activity.

A police officer may engage in political activity when the officer is not on duty, in uniform, or acting in an official capacity, as permitted by the LEOBR.

Section 8. Mutual aid.

The Chief of Police is hereby directed to cooperate and exchange information, and may enter into mutual aid agreements, with any other police department, federal law enforcement agency, or other law enforcement agency, both within and outside Maryland, for the purposes of achieving greater success in preventing and detecting crimes and apprehending criminals.

ARTICLE X

Public Ways and Sidewalks

Section 1. Control over public ways.

(a) The City has charge of all the public ways within the City Boundary except for those under the jurisdiction of the State of Maryland or Frederick County. Subject to the laws of Maryland and to this Charter, the City may establish, maintain, improve, alter, abandon, or vacate the public ways within the City Boundary. The term “public ways” as used in this Charter includes all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys, and any portion of any of the foregoing, over which the City has jurisdictional authority.

(b) The City may:

(1) lay out, establish, maintain, grade, widen, alter, improve, extend, pave, open, abandon, vacate, or close its public ways;

(2) control or regulate the use of its public ways and abate and remove in a summary manner any encroachment thereon;

(3) construct, maintain, and repair bridges;

(4) name the public ways, and number houses and lots; and

(5) grade, lay out, construct, pave, alter, repair, extend, or otherwise alter the curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals adjacent to any of the public ways.

Section 2. Construction contracts.

In accordance with any applicable regulations, the City shall advertise for bids for any construction on City public ways, sidewalks, curbs, gutters, or other projects undertaken under the provisions of this article. The City in its discretion may employ its own personnel to carry out any of the construction described in this article.

ARTICLE XI

Water, Sewers, and Miscellaneous Public Works

Section 1. Powers of City generally.

(a) Both within and outside the City Boundary, the City may construct, operate, alter and maintain:

(1) water treatment facilities and a water distribution system including, but not limited to, pipes, mains, lines, wells, pumps and pumping stations, meters, filters, reservoirs, purification systems and plants, fire hydrants and other necessary or appurtenant facilities; and

(2) a sanitary sewerage system, a sewage treatment plant, and storm water sewers including, but not limited to, services, mains, plants, pumping stations, and other necessary or appurtenant facilities.

(b) Within the City Boundary, the City may construct, operate, alter and maintain:

(1) a refuse collection and disposal system;

(2) an electric light plant and electrical distribution system; and

(3) public markets and airports.

Section 2. Financing construction, repair, operation of city utilities, etc.

(a) The City may finance the construction, operation, maintenance, and repair of the water supply system, sanitary sewerage system, and other improvements provided for under this article, in accordance with this section.

(b) The City may issue bonds in accordance with this Charter. Bonds issued for the purpose of financing the construction, operation, maintenance and repair of the water supply system and the sewerage system are not to be included in the calculation of the total amount of bonds issued under this Charter.

(c) The City may assess the cost of water, sewer, or storm water mains or any part thereof on the property abutting on the water, sewer, and storm water mains.

(d) The City may charge and collect water rents and other charges as necessary for the supply of water and the removal of sewage.

Section 3. Construction contracts.

In accordance with any applicable regulations, the City shall advertise for bids for any construction on City public ways, sidewalks, curbs, gutters, or other projects undertaken under the

provisions of this article. The City in its discretion may employ its own personnel to carry out any of the construction described in this article.

Section 4. Electricity.

(a) Subject to Maryland law, the City may use electricity generated by its electric light plant to light the streets and public buildings of the City and for other municipal purposes.

(b) The City may contract with any party or parties for the lighting of the public ways and public buildings of the City and for electricity for any other municipal purpose. Any such contract shall run for a period of not longer than ten years.

(c) Subject to Maryland law, the City may sell electricity generated by its electric light plant to private consumers of any kind within the City Boundary.

ARTICLE XII

Special Assessment Procedure

Section 1. Powers of City generally.

The City may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the construction or installation of water mains, sewer mains, public ways, sidewalks, curbs, gutters, storm water sewers, street lights, and traffic control devices and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The procedure for special assessments, wherever authorized in this Charter, is set forth in § 2 of this article.

Section 2. Procedure.

(a) The cost of the work being charged for will be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Board of Aldermen.

(b) The amount assessed against any property for any project or improvement may not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied that causes the total amount of special assessments levied by the City and outstanding against any property at any time, exclusive of delinquent installments, to exceed 25% of the fair cash market value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(c) When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

(d) Before any charge is levied, it must be ratified by the Board of Aldermen. The Board of Aldermen shall cause notice to be given stating the nature of the proposed project or improvement and the place and time at which all persons interested, or their agents or attorneys,

may appear before the Board of Aldermen and be heard concerning the proposed special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property assessed, and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the City. A certificate of publication and mailing of copies of the notice shall be deemed compliance with the provisions of this subsection. Failure of any owner to receive the mailed copy does not invalidate the proceedings. The date of hearing shall be set at least 10 and not more than 30 days after the completion of publication and service of notice as provided in this subsection.

(e) Any interested person aggrieved by the ratification of a special assessment under this section may appeal to the Circuit Court for Frederick County within 10 days after the final ratification of any assessment by the Board of Aldermen.

(f) All charges remaining unpaid after a reasonable period, to be determined by the Board of Aldermen, shall become liens on the property and shall be collectible as are other City taxes or by suit at law.

(g) Special assessments may be made payable in annual or more frequent installments over such period of time and in such manner as the Board of Aldermen may decide.

(h) All special assessments levied under this section will be billed and collected by the City.

ARTICLE XIII

Parks and Public Property

Section 1. Acquisition of property.

(a) The City may acquire by conveyance, purchase or condemnation real or leasehold property needed for any public purpose and may erect buildings thereon for the benefit of the City.

(b) The City may take by gift, grant, bequest, or devise and hold real and personal property absolutely or in trust for parks or gardens, or for the erection of statues, monuments, buildings, or structures, or for any public use, upon such terms and conditions as may be prescribed by the grantor or donor, and accepted by the Board of Aldermen; provide for the proper administration of the same; and convey the same when the Board of Aldermen determines that it is no longer needed for public purposes, subject to the terms and conditions of the original grant.

Section 2. Disposal of property.

The City may sell at public or private sale after 20 days' public notice and convey to the purchaser thereof any real or leasehold property belonging to the City when the Board of Aldermen determines that the same is no longer needed for any public use.

Section 3. Financing by issuance of bonds.

The City may assume any mortgage, lease or other obligation in connection with the acquisition of property and may finance any such acquisition by the issuance of bonds pursuant to Article VII, § 13 of this Charter, which bonds may be sold or issued in exchange for cash, the property being acquired, or the stock of the corporation owning or having an interest in such property or for such other consideration as may be determined by the ordinance or resolution of the Board of Aldermen authorizing such bonds. Any obligation represented by any mortgage, installment sales, conditional sales, lease purchase or other financing agreement for the acquisition of such property shall constitute a borrowing and bonds within the meaning of Article VII, § 13 of this Charter if so provided by ordinance or resolution of the Board of Aldermen. In the event that any bonds are issued in exchange for any consideration other than cash, the value of such consideration shall be determined on such basis as the Board of Aldermen determines in its discretion and such determination of value shall be conclusive for the purposes of this section and Article VII, § 13 of this Charter.

Section 4. Buildings on City property.

The City may construct, operate, maintain, and purchase equipment for any buildings and structures it deems necessary for the operation of the City government.

Section 5. Eminent domain.

The City may exercise the power of eminent domain in accordance with the Constitution and laws of the State of Maryland, subject to any supplemental procedures or requirements that may be established by the Board of Aldermen by ordinance.

Section 6. Protection of City property.

The City may take all measures it deems necessary to protect the buildings and all other property of the City.

Section 7. Recreational areas.

The City may construct, operate, maintain, and purchase equipment for any parks, playgrounds, and other recreational areas as will in the discretion of the Board of Aldermen promote the health and welfare of the residents of the City. The Board of Aldermen may adopt ordinances and resolutions relating to the use of parks, playgrounds, and other recreational areas.

ARTICLE XIV

Planning and Zoning

Section 1. General purposes.

(a) In accordance with the Land Use Article of the Annotated Code of Maryland and this article, the City may enact, adopt, amend and execute one or more plans. Further, the City may

regulate the orderly development and use of land and structures through the implementation of planning and zoning controls.

(b) The City's planning and zoning authority is designed to control congestion in the streets; secure the public safety; promote health and general welfare; provide adequate light and air; promote the conservation of natural resources; prevent environmental pollution and avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks, and other public requirements.

Section 2. Planning Commission.

(a) There is hereby established a Planning Commission consisting of five members appointed by the Mayor with the advice and consent of the Board of Aldermen. Each member must be a City resident. One of the members must be an Alderman and will serve in an ex officio capacity.

(b) The term of each member other than the ex officio member is five years or until the member's successor takes office. The term of the ex officio member is concurrent with the member's term as Alderman. The terms of the members shall be staggered.

(c) The Planning Commission shall elect one of its members as chairperson for a term of one year. A chairperson may be reelected.

(d) Planning Commission members, except for the Alderman, will not receive salaries but may receive a *de minimis* amount of compensation, as determined by the Board of Aldermen and set forth in the budget each fiscal year, for travel and miscellaneous expenses.

(e) A member of the Planning Commission may be removed by the Board of Aldermen after a public hearing, for inefficiency, neglect of duty or malfeasance in office.

(f) If the ex officio member of the Planning Commission ceases to be an Alderman before the expiration of the member's term on the Planning Commission, the Board of Aldermen shall appoint another Alderman to serve on the Planning Commission for the remainder of the unexpired term. Vacancies in the other four positions occurring other than through the expiration of a term will be filled by the Mayor with the advice and consent of the Board of Aldermen for the remainder of the unexpired term.

(g) The Board of Aldermen may designate one alternate member to sit on the Planning Commission in the absence of any member of the Planning Commission. If the alternate is absent, the Board of Aldermen may designate a temporary alternate to sit on the Planning Commission.

Section 3. Planning Commission – Powers and duties.

(a) The Planning Commission has all those powers and duties granted to a planning commission by the Land Use Article of the Annotated Code of Maryland and any other applicable law, including but not limited to those set forth in this section. The Planning Commission shall:

(1) make and approve a comprehensive plan and recommend the plan to the Board of Aldermen for adoption.

(2) exercise control over subdivisions within the City Boundary.

(3) recommend to the Board of Aldermen zoning regulations, including an official zoning map, and any amendments thereto; and

(4) submit annually to the Mayor, at least 90 days before the beginning of the fiscal year, a list of capital improvements the Planning Commission finds necessary or desirable to be constructed during the forthcoming four-year period. The list should be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.

(b) At the Planning Commission's request, a public official shall provide to the Planning Commission, within a reasonable time, available information that the Planning Commission may require for the performance of its functions.

Section 4. Zoning.

The Board of Aldermen may divide the City into districts and zones in accordance with the Land Use Article of the Annotated Code of Maryland. The Board of Aldermen, by ordinance, shall provide for the manner in which its regulations and restrictions and the boundaries of its districts shall be determined, established, enforced, and periodically amended or repealed.

Section 5. Zoning Board of Appeals.

(a) There is hereby established a Zoning Board of Appeals consisting of five members appointed by the Mayor with the advice and consent of the Board of Aldermen. Each member must be a City resident.

(b) The term of each member is three years or until the member's successor takes office. The terms of the members shall be staggered.

(c) The Zoning Board of Appeals shall elect one of its members as chair for a term of one year. A Zoning Board of Appeals chair may be reelected.

(d) Zoning Board of Appeals members will not receive salaries but may receive a *de minimis* amount of compensation, as determined by the Board of Aldermen and set forth in the budget each fiscal year, for travel and miscellaneous expenses.

(e) A member of the Zoning Board of Appeals may be removed by the Board of Aldermen for cause, on written charges, and after a public hearing.

(f) Any vacancy occurring other than through the expiration of a term will be filled by the Mayor with the advice and consent of the Board of Aldermen for the remainder of the unexpired term.

(g) The Board of Aldermen may designate one alternate member who may sit on the Zoning Board of Appeals when another member of the Zoning Board of Appeals is absent or recused. If the alternate is absent or recused, the Board of Aldermen may designate a temporary alternate to sit on the Zoning Board of Appeals.

Section 6. Zoning Board of Appeals – Meetings, decisions and powers.

(a) The Zoning Board of Appeals shall adopt rules of procedure to govern the transaction of its business.

(b) All meetings of the Zoning Board of Appeals shall be held at the call of the chair and at such other times as the Zoning Board of Appeals may determine. All meetings of the Zoning Board of Appeals shall be open to the public. The chair or acting chair may administer oaths and compel the attendance of witnesses.

(c) The Zoning Board of Appeals shall make a recording of all proceedings with a contemporaneous written record showing the vote of each member on each question or the member's absence or failure to vote. The Zoning Board of Appeals shall immediately file the recording of its proceedings in the Planning Department. The recording shall be a public record. If a transcript of the recording is not prepared in the normal course of the Zoning Board of Appeals' proceedings, a party who requests a copy of the transcript shall pay the cost of preparing the recording or transcript.

(d) A member of the Zoning Board of Appeals shall recuse himself or herself from participating in a matter in which the member may have a conflict of interest or an appearance of a conflict of interest.

(e) The Zoning Board of Appeals may:

(1) hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of Division I of the Land Use Article of the Annotated Code of Maryland or any law adopted under that division by the Board of Aldermen;

(2) hear and decide special exceptions to the terms of the zoning regulations on which the Zoning Board of Appeals is required to pass under the zoning regulations.

(3) authorize on appeal in specific cases a variance from the terms of the City's zoning regulations.

Section 8. Airport zoning.

Subject to the applicable provisions of the Transportation Article of the Annotated Code of Maryland, the Board of Aldermen may adopt airport zoning regulations to protect the aerial approaches of the Frederick Municipal Airport.

APPENDIX I

Urban Renewal Authority for Slum Clearance

(See Note (1))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include —
 - (1) acquisition of a slum area or a blighted area or portion thereof;
 - (2) demolition and removal of buildings and improvements;
 - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this appendix in accordance with the urban renewal plan;
 - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the City of Frederick, a municipal corporation of this State.

Section A1–102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be

necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(2) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with other public bodies or agencies (which agreements may extend over any period, notwithstanding any provisions or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposes pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

(8) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved; and

(9) to exercise all or any part or combination of powers herein granted.

Section A1–103. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this appendix or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1–104 of this appendix.

(2) The power to issue general obligation bonds pursuant to Section A1–109 of this appendix.

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1–102(3) of this appendix.

Section A1–104. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which

(1) finds that one or more slum or blighted areas exist in such municipality;

(2) locates and defines the said slum or blighted areas; and

(3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1-105. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality, as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial,

industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this sub-section. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Code of Maryland.

Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such

indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provisions of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under the appendix or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government [Government] and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1-111. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1-112. Short Title.

This appendix shall be known and may be cited as the Frederick Urban Renewal Authority for Slum Clearance Act.

Section A1-113. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

NOTES

(1) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the City of Frederick in Chapter 632 of the Acts of the General Assembly of 1961.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the City of Frederick appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

Formerly, the urban renewal powers appeared as Article XVI–A, §§ 204–B through 204–L, inclusive, of this Charter.